



Town Council Agenda Report

SUBJECT: Quasi Judicial Hearing: Variance

CONTACT PERSON/NUMBER

Name: Mark Kutney, AICP
Phone: (954) 797-1101

TITLE OF AGENDA ITEM:

V 5-2-00 Summerlake Apartments, LTD., petitioner/owner - 5941 Summerlake Drive/ Generally located on the east side of SW 61 Avenue approximately 1,400 feet north of Orange Drive.

REPORT IN BRIEF:

The petitioner is requesting a variance to reduce the required perimeter landscape buffer for multi-family developments from 10 feet to 5 feet, to provide a pedestrian access easement which was requested by the Town of Davie. The petitioner is also requesting a variance for the reduction of the required parking spaces from 216 parking spaces to 196 parking spaces.

As part of the site plan approval of this project, the Town required an easement to provide access from Potter's Park to East Side Park through the petitioner's property. The petitioner proposes to place the easement along the southern property line which created a conflict in providing the minimum required perimeter landscape buffer width. The Town also requested the petitioner revise the entrance road configuration, located off SW 61 Avenue, for public safety purposes. However, this request has a significant impact on the petitioner's ability to maintain the required 216 parking spaces. The improvements to the entrance include, widening the entrance drive aisle from a two-lane undivided drive aisle to a four-lane divided drive aisle with visitor gates and keypad. This immediately eliminates 13 parking spaces. In addition, the reconfiguration of the entrance required a change in the drive aisle radius which had a shifting effect on the existing parking spaces along the interior drive aisle for the length of the project. Thus, an additional 7 parking stalls were eliminated.

Staff believes the petitioner has demonstrated a hardship which applies to this site, based on the Town's request for revised entrance circulation and a pedestrian access easement, and the constraints placed upon the project by the funding, the insurer, and the physical characteristics of the site, limiting the petitioner's ability to provide the requested entry changes and easement without the variances. Staff believes that denial of this request could prevent the petitioner from meeting the grant funding obligations of Broward County and the Town, which could be considered to prevent reasonable use of the land.

PREVIOUS ACTIONS: At the June 21, 2000, Town Council meeting, the petitioner requested the Town Council defer consideration of this item to its July 19, 2000, meeting (motion carried 5-0, June 21, 2000).

CONCURRENCES: The Planning and Zoning Board recommended approval for reduction of the required parking from 216 parking spaces to 196 parking spaces (motion carried 3-1, Ms. Moore dissenting, and Mr. Davenport absent); and the Planning and Zoning Board recommended approval of the request for a reduction of the required perimeter landscape buffer from 10 feet to 5 feet, subject to the planning report (motion carried 3-1, Mr. Davis dissenting, and Mr. Davenport absent, June 14, 2000).

FISCAL IMPACT: Not Applicable.

RECOMMENDATION(S): Motion to approve, subject to the following conditions: 1) the 5-foot access easement not be closed off on both the north and south sides for its entire length. Emergency egress from the easement must be available along the entire length or at reasonable intervals to be determined by the Town; and 2) the applicant submit a site plan modification to reflect the revised entranceway, the 5-foot access easement, and satisfaction of condition number 1 above.

Attachment(s): Planning Report, Land Use Map, Subject Site Map,

Application #: V 5-2-00

Revisions:

Exhibit "A":

Original Report Date: 5/31/00

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

Owner:

Agent:

Name: Summerlake Apartments, LTD	Name: Summerlake Apartments, LTD
Address: 2937 SW 27 Avenue	Address: 2937 SW 27 Avenue
City: Miami, Florida 33133	City: Miami, Florida 33133
Phone: (305) 476-8118	Phone: (305) 476-8118

BACKGROUND INFORMATION

Application Request: 1) To reduce the required perimeter landscape buffer along the southern property line from 10 feet to 5 feet, and 2) to reduce the number of required parking spaces from 216 spaces to 196 spaces.

Address/Location: 5941 Summerlake Drive/ Generally located on the east side of SW 61 Avenue approximately 1,400 feet north of Orange Drive.

Future Land Plan Use Designation: Regional Activity Center (RAC)

Zoning: RM-16, Medium High Dwelling District

Existing Use: Vacant

Proposed Use: 108 multifamily garden apartments (affordable housing units)

Parcel Size: 21 acres (928,525 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use:</u>
North:	Nova Lakes Apartments, across a lake, and single-family homes, across a lake.	Regional Activity Center
South:	Various warehouses and storage yards.	Regional Activity Center
East:	Single-family homes	Regional Activity Center
West:	Single-family homes and duplex development, across SW 61 Avenue	Regional Activity Center

Surrounding Zoning:

North: RM-16, Medium High Dwelling District, and R-5, Low Medium Dwelling District.

East: R-5, Low Medium Dwelling District.
West: RM-16, Medium High Dwelling District, and RM-10, Medium Dwelling District.

ZONING HISTORY

Related Zoning History: None.

Previous Request on same property: Town Council approved the Summerlake Apartment site plan (SP 10-2-99), on November 17, 1999.

DEVELOPMENT PLAN DETAILS

Prior to purchasing the subject property, the developer worked with the Town's Housing and Community Development Division in order to obtain Town and Broward County grant funding in an effort to provide affordable housing within the Town of Davie. In 1999, a total of \$100,000 of the Town's Pre-Development, State Housing Initiative Partnership (SHIP) funds were earmarked from the 1999 SHIP budget for this project (Resolution 99-257). In January 2000, the Town of Davie contributed an additional \$19,750 as a rebate for permit fees (Resolution 2000-81). Using the \$100,000 of the Town's funds as leverage, the Town assisted the petitioner in obtaining \$350,000 of Broward County, Pre-Development SHIP funds for additional construction costs. A requirement of the grant of funds from both the Town and Broward County, requires that the total 108 garden apartments proposed for this site must be rented to persons within 60% of the area median income, at the Housing and Urban Development's (HUD) prescribed market rents (which is less than Davie's market rent).

Pursuant to finalizing the purchase of the property by the developer and securing the above referenced funding, the petitioner submitted a site plan for review in October, 1999. At the October 26, 1999 Site Plan Committee (SPC) meeting, the Town requested that the owner provide a pedestrian access easement on the property in order to provide public access between Potter's Park and the recently purchased park land located on SW 61 Avenue, called "East Side Park" by Town staff, for use by the surrounding neighborhoods. Working with Town staff, the petitioner agreed to locate the pedestrian easement along the interior sidewalk system of the development. The petitioner is required to dedicate the access easement to the Town prior to the first certificate of occupancy of this site. However, the developer's insurance company determined that the easement would create a liability issue and could not be insured as proposed.

In response, the petitioner identified an alternative location for the easement. This would place a 5-foot easement along the southern property line, adjacent to the existing walls and fences of the industrial uses south of the project.

However, when the petitioner and the Town presented this project to Broward County in early 1999, in order to obtain the above referenced SHIP funds, the project was represented as a gated community. Should the community not be gated, Broward County funds could be jeopardized. Thus, the petitioner is proposing to place a chain link fence on the north side of the proposed access easement to satisfy this commitment. However, this would create an alley effect as the easement would be 5-feet wide with existing fences and walls on the south side of the easement, and the proposed chain link fence and associated landscaping on the north side. This is unacceptable to staff for public safety purposes. Staff has advised the

petitioner to find a more acceptable separation alternative. In addition, the proposed easement requires that a 5-foot concrete sidewalk be located in the 10 foot perimeter landscape buffer along the south property line. Thus, the petitioner is requesting a variance to reduce the width of the required landscape buffer from 10 feet to 5 feet, under this request.

The petitioner is also seeking a variance, under this request, to reduce the required parking from 216 parking spaces to 196 parking spaces. This request is a result of a requirement of the Town Engineering Division to revise the placement of the approved entrance gate, located off SW 61 Avenue, to ensure safer movement and queuing into and out of the property. A site plan modification is required for the change.

Applicable Codes and Ordinances

Land Development Code Section 12-82(J), development standards for planned residential uses (apartment buildings), which requires two parking spaces per dwelling unit.

Land Development Code Section 12-107(C)(4), which requires a ten-foot landscape buffer adjacent to abutting properties.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 8. This planning area is the “heart” of Davie, and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer large-scale multi-family residential developments that serve the rapidly growing South Florida Educational Center (SFEC). This planning area also encompasses the downtown Davie Business District, where western-theme architecture is required. The Davie Town hall and Rodeo Arena are two large such developments in this area.

Planning Area 8 contains the only Community Development Block Grant (CDBG) redevelopment target area within the Town. Residential development east of the Davie Road corridor is substandard and has been the subject of community redevelopment efforts. The revitalization of Davie’s original business district, and neighborhood redevelopment is important in this area.

Broward County Comprehensive Plan Considerations

This property falls within Flexibility Zone 98. This request has no affect on Broward County or Town concurrency requirements.

Staff Analysis

Due to the narrowness of the property, the petitioner is requesting a variance to reduce the required perimeter landscape buffer for multi-family developments from 10 feet to 5 feet, to provide a pedestrian access easement which was requested by the Town of Davie.

The subject property has an average buildable lot depth of approximately 147-feet, and is approximately 1,936-feet in length, with access on SW 61 Avenue and SW 57 Terrace. The narrow width of the site includes perimeter landscaping, drive aisles, parking courts, front and rear landscape areas, sidewalks and apartment buildings, all provided within 147 feet (a site plan will be provided at the June 14, 2000 meeting). Due to this constraint, there are essentially only two alternatives for placement of the proposed access easement, both of which have drawbacks (more specifically described in the development detail section of this report). Please note, the access easement is not a code requirement, however, the petitioner has agreed to the easement upon the request by the Town.

The Town also requested the petitioner to revise the entrance road configuration, located off SW 61 Avenue, for public safety purposes. However, this request has a significant impact on the petitioner's ability to maintain the required 216 parking spaces. The improvements to the entrance include, widening the entrance drive aisle from a two-lane undivided drive aisle to a four-lane divided drive aisle with visitor gates and keypad. This immediately eliminates 13 parking spaces. In addition, the reconfiguration of the entrance required a change in the drive aisle radius which had a shifting effect on the existing parking spaces along the interior drive aisle for the length of the project. Thus, an additional 7 parking stalls were eliminated.

Staff believes the petitioner has demonstrated a hardship which applies to this site, based on the Town's request for revised entrance circulation and a pedestrian access easement, and the constraints placed upon the project by the funding, the insurer, and the physical characteristics of the site, limiting the petitioner's ability to provide the requested entry changes and easement without the variances. Staff believes that denial of this request could prevent the petitioner from meeting the grant funding obligations of Broward County and the Town, which could be considered to prevent reasonable use of the land.

Findings of Fact

Variances:

Section 12-309(B)(1):

The following findings of facts apply to both variance requests (1. reduction in perimeter landscape buffer width, and 2. reduction in the number of parking spaces).

(a) There are special circumstances and conditions applying to the land and building for which the variances are sought; the circumstances or conditions are peculiar to such land or building and do not apply generally to land or buildings in the same district, and that said circumstances or conditions are such that the strict application of the provisions of this chapter could deprive the applicant of the reasonable use of such land or building for which the variances are sought, and can be considered not to be self-created.

(b) The granting of the variances may be necessary for the reasonable use of the land or building and that the variances as requested are the minimum variances that will accomplish this purpose;

(c) Granting of the requested variances, subject to staff recommendations, are in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above and the finding of facts in the positive staff

recommends **approval**, of petition V 5-2-00, subject to the following conditions: 1) the 5-foot access easement not be closed off on both the north and south sides for its entire length. Emergency egress from the easement must be available along the entire length or at reasonable intervals to be determined by the Town; and 2) the applicant submit a site plan modification to reflect the revised entranceway, the 5-foot access easement, and satisfaction of condition number 1 above.

Planning and Zoning Board Recommendation

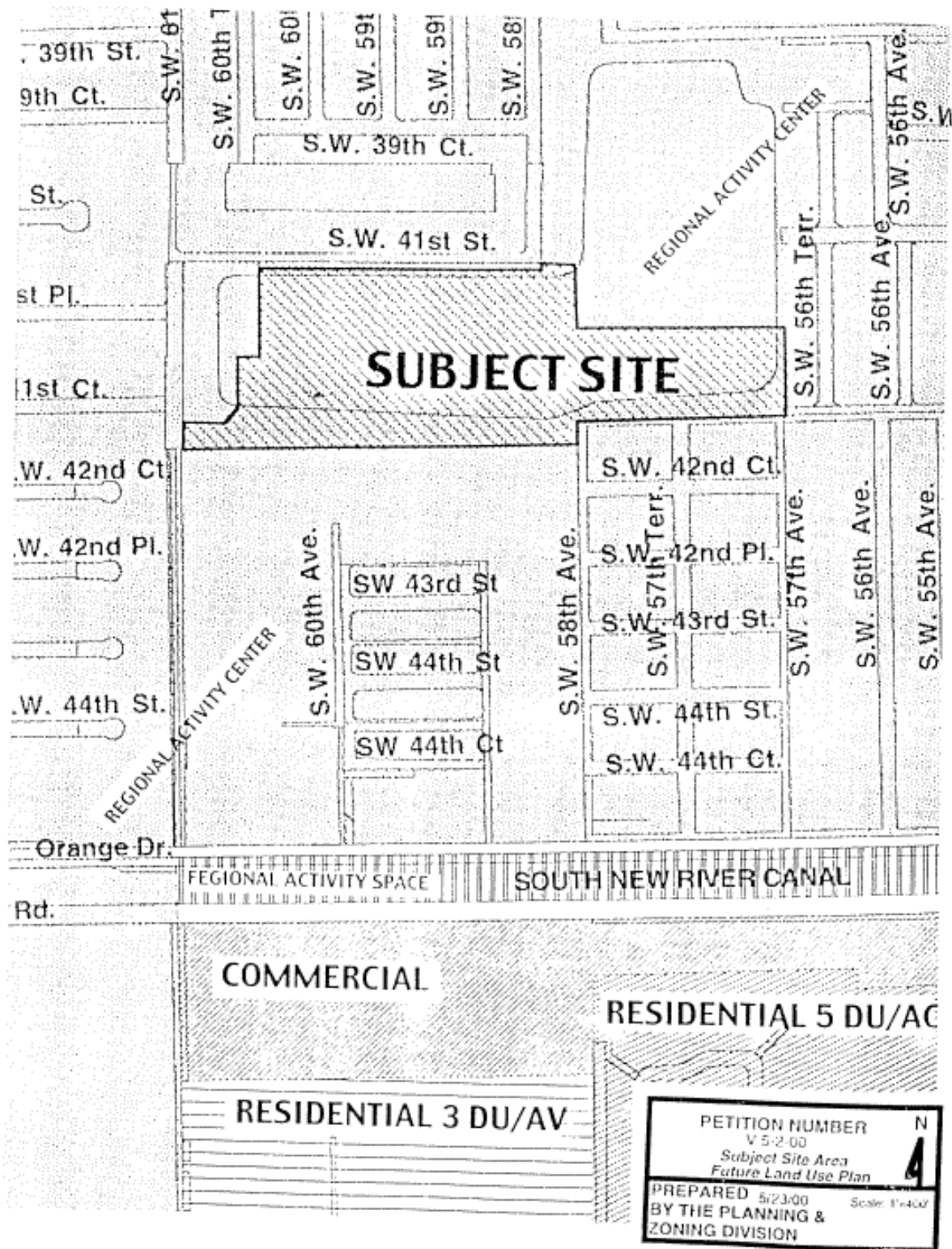
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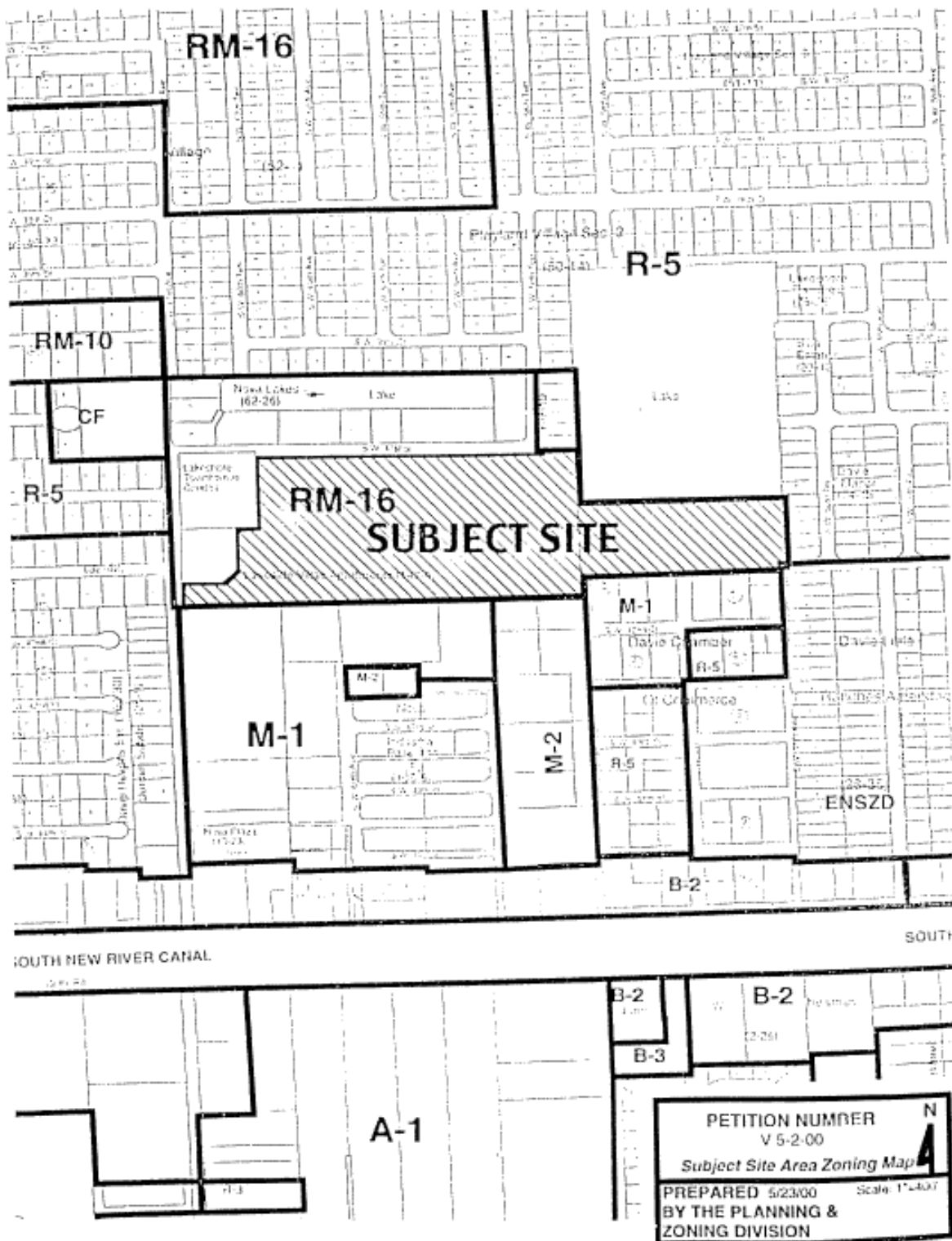
Exhibits

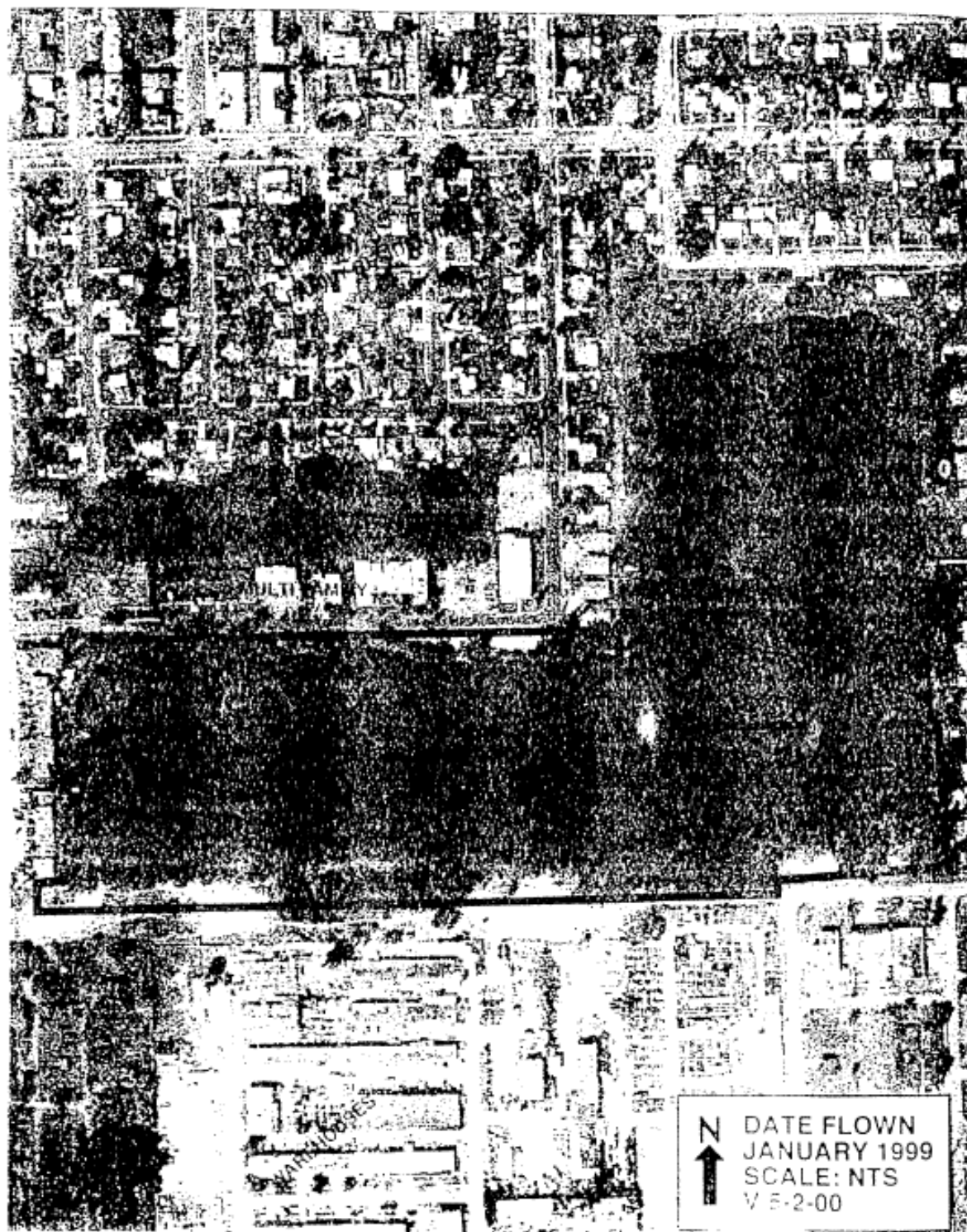
1. Land Use Map
2. Subject Site Map
3. Aerial

Prepared by: _____

Reviewed by: _____







DATE FLOWN
JANUARY 1999
SCALE: NTS
V 5-2-00